


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

GENERAL ELECTRIC COMPANY,)	CASE NO. 1:11 CV 837
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	MEMORANDUM OPINION
ALVIN STERN, et al.,)	AND ORDER
)	
Defendant.)	

This matter is before the Court on Defendant's Motion to Stay Proceedings pending Defendant's appeal of this Court's dismissal of its counterclaims. (ECF #48). Plaintiff has opposed the motion to stay. Plaintiff's Motion to Dismiss Defendants' Amended Counterclaims was granted on July 17, 2012. Plaintiff's claims remain pending. The Court did not include any certification pursuant to Fed. R. Civ. P. 54(b) that "there is no just reason for delay" in the Opinion and Order. Accordingly, this Court's Memorandum Opinion and Order is not final and appealable. Nevertheless, Defendants have filed a notice of appeal to the Sixth Circuit and have asked this Court to stay the proceedings in this Court pending the appeal. However, as the Court of Appeals lacks jurisdiction over Defendants' improper interlocutory appeal, a stay is not warranted. Moreover, even if Defendants' appeal did not have a jurisdictional defect, Defendants

have not demonstrated that the balancing of the *Blackwell* factors would favor the imposition of a stay. In this case, at least three of the four factors tip in favor of denying a stay. Accordingly, Defendants' Motion for a Stay pending Appeal (ECF #48) is denied.

IT IS SO ORDERED.



DONALD C. NUGENT
UNITED STATES DISTRICT JUDGE

DATED: September 13, 2012